

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RICHARD LIVINGSTON,

Plaintiff,

v.

MBTA EMPLOYEES

CREDIT UNION,

Defendant.

C.A. No. 05-CV-11349-RCL

**MBTA EMPLOYEES CREDIT UNION’S
MOTION TO EXTEND TIME TO FILE
RESPONSIVE PLEADING (ASSENTED TO)**

MBTA Employees Credit Union (the “Credit Union”) moves this Honorable Court to extend the time by which the defendant is required to answer or otherwise respond to the Plaintiff’s Complaint up to and including February 15, 2006.

The Credit Union states the following in support of this Motion:

1. The Plaintiff filed this action on June 27, 2005. At the time, Richard Livingston was represented by William E. Gately, Jr.

2. On July 1, 2005, the Court sent notice to Attorney Gately “advising of inactive status in the Bar of this Court.”

3. Richard Livingston filed a Motion for Extension of Time to Serve Summons on October 27, 2005. The Court allowed Plaintiff’s Motion on October 31, 2005.

4. Richard Livingston filed an Amended Complaint and a Notice of Appearance *pro se* on December 27 and December 28, 2005, respectively.

5. Service of process was effected on the Credit Union on January 12, 2006.

6. The Plaintiff's Complaint contains numerous, detailed factual allegations and both counsel and the Credit Union require additional time to investigate the Plaintiff's allegations and to respond accordingly.

7. The undersigned counsel for the Credit Union conferred with Richard Livingston on January 25, 2006 and the Plaintiff agreed to assent to a Motion to Extend Time to File a Responsive Pleading until February 15, 2006.

WHEREFORE, MBTA Employees Credit Union requests that this Honorable Court extend the time by which the defendant is required to Answer or otherwise respond to the Complaint up to and including February 15, 2006.

MBTA EMPLOYEES CREDIT UNION,
by its attorneys,

/s/ Peter C. Netburn
Peter C. Netburn, BBO 546935
HERMES, NETBURN, O'CONNOR
& SPEARING, P.C.
265 Franklin Street, Seventh Floor
Boston, MA 02110-3113
(617) 728-0050
(617) 728-0052 (F)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 25, 2006.

/s/ Peter C. Netburn
Peter C. Netburn